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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James C. KENNEDY et al.
Title: PHOTOCHEMOTHERAPEUTIC
METHOD USING 5-AMINO
LEVULINIC ACID AND
PRECURSORS THEREOF

Appl. No.: 10/605,826

Filing Date: 10/29/2003

Examiner: Shahnam J. Sharareh

Art Unit: 1617

AMENDMENT TRANSMITTAL

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

☐ Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

☐ Assertion of Small Entity status is enclosed.

☒ The fee required for additional claims is calculated below:

	Claims As Amended		Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee
Total Claims:	33	-	33	=	0	x	\$50.00	=	\$0.00
Independent Claims:	4	-	4	=	0	x	\$200.00	=	\$0.00
First presentation of any Multiple Dependent Claims:						+	\$360.00	=	\$0.00
CLAIMS FEE TOTAL									= \$0.00

- ☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input checked="" type="checkbox"/> Extension for response filed within the first month:	\$120.00	\$120.00
<input type="checkbox"/> Extension for response filed within the second month:	\$450.00	\$0.00
<input type="checkbox"/> Extension for response filed within the third month:	\$1,020.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fourth month:	\$1,590.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fifth month:	\$2,160.00	\$0.00
EXTENSION FEE TOTAL:		\$120.00
<input type="checkbox"/> Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$120.00
<input type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):		\$0.00
TOTAL FEE:		\$120.00

- ☐ Please charge Deposit Account No. 19-0741 in the amount of \$120.00. A duplicate copy of this transmittal is enclosed.
- ☒ A check in the amount of \$120.00 is enclosed.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date

13 Sept 2005

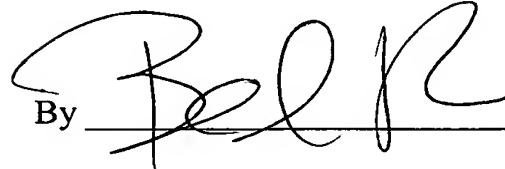
FOLEY & LARDNER LLP

Customer Number: 22428

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Facsimile: (202) 672-5399

By



Beth A. Burrous

Attorney for Applicant

Registration No. 35,087



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James C. KENNEDY et al.

Title: PHOTOCHEMOTHERAPEUTIC METHOD USING 5-AMINO
LEVULINIC ACID AND PRECURSORS THEREOF

Appl. No.: 10/605,826

Filing Date: October 29, 2003

Examiner: Sharareh, Shahnam J.

Art Unit: 1617

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a response to the restriction requirement set forth in the Office Action mailed July 13, 2005. By the attached petition for an extension of time, Applicants have extended the due date for this response until September 13, 2005. Accordingly, the response is timely.

Applicants hereby provisionally elect Group I (claims 1 & 3-21, drawn to methods of treating non-malignant skin lesions using an effective amount of a precursor of Protoporphyrin IX) for examination. The election is made without traverse.

Regarding the elections of species, Applicants select (a) 5-Aminolevulinic acid as a precursor of Protoporphyrin IX, (b) 5-Aminolevulinic acid as an agent that is not a photosensitizer but induces the synthesis of Protoporphyrin IX *in vivo*, (c) topical administration, and (d) a wavelength of light between 350-640 nm. as starting points for the examination.

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Respectfully submitted,

Date 13 Sept 2005

By

A handwritten signature in black ink, appearing to read 'B. Burrous', written over a horizontal line.

Beth A. Burrous
Attorney for Applicant
Registration No. 35,087

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